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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-778**

11 **JENNIFER MICHELLE TROTTER, AKA**
12 **JENNIFER MICHELLE MICHEL**
13 **777 Cinnabar Place**
Simi Valley, CA 93065
14 **Registered Nurse License No. 642528**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about August 6, 2004, the Board issued Registered Nurse License Number
22 642528 to Jennifer Michelle Trotter, aka Jennifer Michelle Michel (Respondent). The Registered
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on March 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in

subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

"(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement."

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

COST RECOVERY PROVISION

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially-Related Convictions)**

3 11. Respondent is subject to disciplinary action under Code sections 2761, subdivision
4 (f), and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
5 Respondent was convicted of crimes substantially related to the qualifications, functions, and
6 duties of a registered nurse. The circumstances are as follows:

7 12. On or about January 22, 2009, pursuant to a plea of guilty, Respondent was convicted
8 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving
9 under the influence of alcohol or drugs] and admitted to a violation of Vehicle Code section
10 23578 [driving with a BAC >.15%] in the criminal proceeding entitled *The People of the State of*
11 *California v. Jennifer Michelle Michel* (Super. Ct. Ventura County, 2008, No. 2008025476).
12 Respondent was placed on 36 months of probation, sentenced to 2 days in jail, among other terms
13 and conditions. The circumstances surrounding the conviction are that on or about June 23, 2008,
14 Respondent was observed by witnesses to have nearly collided with other vehicles. The arresting
15 officer found Respondent semi-conscious and heavily intoxicated at her residence. Respondent
16 was transported to the local hospital.

17 13. On or about May 26, 2009, pursuant to a plea of nolo contendere, Respondent was
18 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)
19 [driving under the influence of alcohol or drugs] in the criminal proceeding entitled *The People of*
20 *the State of California v. Jennifer Michelle Michel* (Super. Ct. Los Angeles County, 2009, No.
21 9MP00738). Respondent was placed on 60 months of probation, sentenced to 4 days in jail, and
22 ordered to complete a 6-month live-in rehabilitation program, among other terms and conditions.
23 The circumstances surrounding the conviction are that on or about November 28, 2008, police
24 officers observed Respondent to be driving in the wrong direction. During the traffic stop,
25 Respondent produced an expired license and exhibited objective symptoms of intoxication which
26 included slurred speech, watery and blood shot eyes, excessively slow bodily movements, and
27 tested with a blood alcohol content of 0.24% and 0.25%.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Convictions Involving the Consumption of Alcohol/Drugs)**

3 14. Respondent is subject to disciplinary action under Code section 2762, subdivision (c),
4 in that on or about January 22, 2009 and May 26, 2009, Respondent was convicted of crimes
5 involving the consumption of alcoholic beverages and or drugs. Complainant refers to, and by
6 this reference incorporates, the allegations set forth above in paragraphs 11 - 13, as though set
7 forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Confinement for Intemperate Use of Alcohol/Drugs)**

10 15. Respondent is subject to disciplinary action under Code section 2762, subdivision (d),
11 in that on or about January 22, 2009 and May 26, 2009, Respondent was committed or confined
12 by the court for her intemperate use of or addiction to alcohol and/or drugs. Complainant refers
13 to, and by this reference incorporates, the allegations set forth above in paragraphs 11 - 13, as
14 though set forth fully.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Alcohol and Drugs)**

17 16. Respondent is subject to disciplinary action under Code section 2762, subdivision (b),
18 in that on or about June 23, 2008 and November 28, 2008, Respondent used alcoholic beverages
19 or drugs to an extent or in a manner dangerous or injurious to herself, any other person, or the
20 public, or to the extent that her use impaired her ability to conduct with safety to the public.
21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraphs 11 - 13, as though set forth fully.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 642528, issued to
27 Jennifer Michelle Trotter, aka Jennifer Michelle Michel;
28

1 2. Ordering Jennifer Michelle Trotter to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: _____

3/16/11

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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